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C O N F I D E N T I A L LILONGWE 000263

SIPDIS

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TAGS: [PGOV](#) [KDEM](#) [MI](#)

SUBJECT: MALAWI: PRESIDENT AND OPPOSITION (FINALLY) BEGIN
NEGOTIATIONS OVER IMPASSE

REF: LILONGWE 252

Classified By: Political Officer John Letvin for Reason 1.4(d)

11. (SBU) Summary: On May 7, President Mutharika invited leaders of the political opposition for talks to resolve the impasse over Section 65 of the constitution. This marks the first time the President and opposition have discussed compromising on the issue in their three-year-old dispute. Comment: Talks are a positive step forward by both sides and good-faith negotiations have gone on for three days, but given the long and bitter history of the dispute, a negotiated compromise will be difficult to achieve.

12. (U) On May 7, President Bingu wa Mutharika invited leaders of the political opposition for talks to resolve the continued impasse in the National Assembly. Leaders from the Malawi Congress Party (MCP), United Democratic Front (UDF), and Republican Party (RP) attended the talks at the President's home. The continued impasse is over implementation of floor-crossing legislation contained in Section 65 of the Malawi constitution which could force over 40 MPs to vacate their seats. Mutharika initiated the talks after the opposition, who returned from a failed boycott of the National Assembly on May 5 (reftel), rejected two bills for approval of foreign financing, making it clear that Section 65 must be addressed first. The talks, which lasted six-and-a-half hours on day one, continued through the end of the week. The Speaker adjourned the National Assembly until May 12 to allow time for negotiations to produce a political solution to the dispute.

13. (C) Atupele Muluzi, a high-ranking UDF MP and son of UDF Chairman and former president Bakili Muluzi, told emboffs that a potential compromise solution would be to apply Section 65 only to MPs who changed parties after the Supreme Court's June 15, 2007 ruling that affirmed the section. This solution would affect significantly fewer government MPs and would allow the government to maintain sufficient numbers to block feared impeachment proceedings against Mutharika. Likewise, the solution would allow opposition parties to draw a line in the sand on the issue of floor-crossing, discouraging further poaching of their incumbents in the lead-up to next year's elections.

14. (SBU) Comment: The talks are a positive step forward for opposition parties and Mutharika's government. It marks the first time Mutharika has agreed to discuss the Section 65 issue with rival political leaders during the now three-year-old impasse. The fact that both sides have kept negotiation details out of the press signals all sides are likely negotiating in good faith. The negotiations have gone on for three days now, but given the long and bitter history of the dispute, arriving at a compromise will be difficult.

